THE HON'BLE SRI JUSTICE K.C.BHANU

CRIMINAL REVISION CASE NO. 617 OF 2005

O R D E R:

This Criminal Revision Case is preferred challenging the judgment dated 09.03.2005 in Criminal Appeal No.155 of 2003 on the file of the I Additional Sessions Judge, Karimnagar.

2. The petitioners herein are A.1 and A.2 and the first respondent herein is the complainant. On a complaint lodged by the first respondent, the trial court, vide judgment dated 17.10.2003 in C.C. No.346 of 2002 on the file of the Judicial Magistrate of First Class, Peddapalli, convicted the petitioners 1 and 2 of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.3,50,000/- in default to suffer simple imprisonment for one year, and the fine amount was awarded as compensation to the complainant. On appeal, the appellate court, vide the impugned judgment, confirmed the conviction and sentence of imprisonment imposed by the trial court, but modified the fine amount to Rs.5,000/- in default to suffer simple imprisonment for two months. Challenging the same, the present revision is preferred.

3. Today, the petitioners and the first respondent are

present before this Court. They are identified by their respective counsel. The first respondent produced his household card in proof of his identity. He stated that that the parties have compromised the matter and in view of the settlement, he prayed to set aside the conviction and sentence imposed against the petitioners. The offence is compoundable. Permission is accorded to compound the offence. In view of the same, the conviction and sentence recorded against the petitioners by the trial court, as confirmed by the appellate court, are set aside. The petitioners 1 and 2 are acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and they are set at liberty. Their bail bonds shall stand cancelled. The fine amount, if any, paid by the petitioners shall be refunded to them.

4. The Criminal Revision Case is, accordingly, allowed.

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(K.C.BHANU, J.)

23.02.2012
DRK

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Date: 23.02.2012